

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

KEITH THOMAS,

Plaintiff,

v.

SELECT PORTFOLIO  
SERVICING, INC.

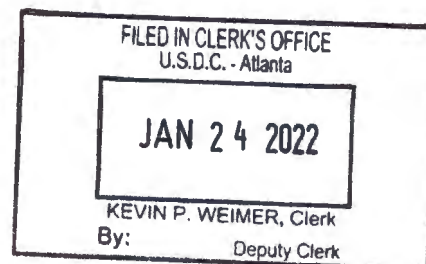
Defendant,

DLJ MORTGAGE CAPITAL  
INC.,

Defendant,

Civil Case No. **1:22-CV-0272**

Complaint for Damages  
Jury Trial Demand



NOW COMES Keith Thomas, plaintiff in the above do now submit this complaint for damages with a jury trial being demanded seeking just and adequate relief from the named defendants to this action. These defendants have engaged in a series of events against this plaintiff that no other method or avenues of law exist other than the filing of this action now being submitted before this court.

**THE PARTIES**

**1. a; Plaintiff;** The plaintiff is a United States citizen over the age of 18 years old and is the registered owner of the residential property located

at 2655 West Road, City of South Fulton, Georgia a/k/a 2655 West Road, Riverdale, GA .

**b; Defendant Select Portfolio Servicing, Inc.;** This defendant is a for profit Corporation located and situated at; 3217 S. Decker Lake Drive, Compliance, Salt Lake City, Utah 84119 and maintains a Georgia Registered Agent at; Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.

**c; Defendant DLJ Mortgage Capital, Inc.;** is a Foreign for profit Corporation located and situated at; 11 Madison Avenue, Corp Tax Dept, New York, NY 10010-3643 and at 277 Park Ave., New York, NY 10172-0003 and maintains a Georgia Registered Agent at; Corporation Service Company, 2 Sun Court, Suite 400, Peachtree Corners, GA 30092.

### **STATEMENT OF THE FACTS**

2. On or around December 22, 2021, both of the defendants served a written notice upon the plaintiff via U.S. Mail indicating that a purported Notice of Servicing Transfer had taken place concerning the plaintiff's personal residential property. Allegedly, this Notice of Servicing Transfer was purportedly between both of these defendants and Bank of America, N.A., [BAC] for what they allege to be a mortgage that both of these

defendants claim that BAC allegedly owns bearing the plaintiff's name, identifying the plaintiff's personal residence and stating an amount of \$155,000.00 purportedly to be owed to BAC from this plaintiff.

3. Within less than a 30 days period of time, these defendants repeatedly sent a series of written documents to the plaintiff via U.S. Mail demanding money from the plaintiff, demanding that the plaintiff release to them all of his personal information, demanding that the plaintiff release to them all of his personal checking and savings account(s) information and demanding that the plaintiff authorize them to withdraw unknown amounts of money from the plaintiff's bank account(s) under the threat that if ALL of the information requested is not provided to them immediately, that they would initiate and conduct a foreclosure against the plaintiff's residential property where he resides.

4. These defendants knew or should have known that Bank of America, N.A.'s alleged claims to both own a mortgage against this plaintiff's residential property and also that all purported claims of any previously alleged assignments from Northstar Mortgage Group, LLC to Bank of America, N.A. are already the subject of an ongoing lawsuit now before this court and that ongoing lawsuit is not closed as of the date of the

filing of this present complaint now being made against them.

5. These defendants have willingly set out to undermine the entire ongoing court process and to confederate themselves with Bank of America, N.A., and all of the other defendants named to the already ongoing lawsuit. The actions of these defendants are specifically for the purposes of continuing and participating within the ongoing fraud that the Bank of America defendants already are involve in, continuing the ongoing civil and criminal conspiracy that the Bank of America defendants are being sued for, and to further the ongoing efforts of the Bank of America defendants at violating this plaintiff's rights under The Civil Rights Act of 1866 and 42 U.S.C. § 1982, and The RICO Statues as described within 18 U.S.C. §§ 1961 and 1962 "Mail Fraud".

#### **JURISDICTION AND VENUE**

6. Jurisdiction is pursuant to the laws of the United States of America, moreover and specifically The Civil Rights Act of 1866 and 42 U.S.C. § 1982 "Property Rights of Citizens", Federal Rule of Civil Procedure 9(b) "Fraud", 18 U.S.C. § 1961 "Mail Fraud", and 18 U.S.C. § 1962 Racketeering Influenced Corrupt Organization [RICO], and 28 U.S.C. § 1332 Diversity of Citizenship. These defendants do business on a regular

basis within Georgia and maintains a Registered Agent within Gwinnett County, Georgia, therefore, jurisdiction and venue is proper within the U.S. district court for the northern district of Georgia, Atlanta division.

**FRCP 9(b) BRIEF STATEMENT OF FRAUD**

7. Beginning on or around 21 December, 2021, these two defendants began communicated with the plaintiff via U.S. Mail alleging to have been assigned a residential mortgage from Bank of America, N.A. allegedly owned by Bank of America, N.A. and allegedly owed to Bank of America, N.A. from this plaintiff. The mailed documents have repeatedly been mailed to the plaintiff on a weekly basis demanding money and the information that the plaintiff described earlier within this lawsuit. At no time in the past nor at no time presently have the plaintiff ever agreed to or owed any amount of money in the form of a residential mortgage to Bank of America, N.A. and at no time in the past nor in the present have the plaintiff ever agreed to pay any amount of money to Bank of America, N.A. for any type of mortgage either in the plaintiff's name or in a name that the plaintiff signed his name to agreeing on the behalf of any other person. All attempts by Bank of America, N.A. and any person or entity acting on their behalf to collect any amount of money from this plaintiff is a direct result of fraud on the part of



Bank of America, N.A. and also by these two defendants allegedly acting on their [Bank of America, N.A.]’s behalf.

### **CLAIMS FOR RELIEF**

**8. Violations of The Civil Rights Act of 1866 and 42 U.S.C. § 1982**; Pursuant thereto, this set of statutes provides that “All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.” In this case, the plaintiff is not White and the actions of these two defendants are for the sole purposes of preventing the plaintiff from owning, selling, holding, conveying or leasing real property as a direct result of his race. Additionally, the actions of these defendants were orchestrated by Bank of America, N.A.’s continuous and ongoing effort to complete an unfinished foreclosure list within the 30296 zip code that is mostly populated with African Americans. This set of defendants are not the true owners of the residential property identified by the plaintiff as belonging to the plaintiff, they do not own or hold an active financial interest within a Note or any other legal Instrument attached to or identified as being legally associated with the real property identified by the plaintiff within this lawsuit, and any documents in their possession bearing

the name of this plaintiff are fraudulent in nature and are for the sole purpose of falsely taking the plaintiff's property and purposely preventing this plaintiff from owning, selling, conveying, leasing or possibly causing his descendant to not be able to inherit the real property described within this complaint in violation of the statutes cited within this section. As a result, the plaintiff is entitled to relief from this court.

**9. Violations of 18 U.S.C. § 1961 "Mail Fraud" and 18 U.S.C. § 1962 RICO;** This set of defendants were fully informed and instructed by Bank of America, N.A. to bombard this plaintiff with demands for money via U.S. Mail and to threaten this plaintiff that they will foreclose on his residence for an alleged mortgage or loan that the plaintiff have never made with them nor with Bank of America, N.A.. All of these facts are presently being litigated in an ongoing lawsuit in this U.S. district court, however, this set of defendants willfully and intentionally confederated themselves with Bank of America, N.A. to disregard this set of facts, to undermine the legal process and to attempt to extort this plaintiff out of money using threats made by and through the U.S. Mail. Their actions are in direct violation of federal law and are prima facie evidence of RICO violations. As a result, the plaintiff is entitled to relief from this court.

**10. Fraud;** The plaintiff has provided a brief statement of fraud in compliance with FRCP 9(b) as required by this court. As a direct result, the plaintiff now asserts that this set of defendants has committed fraud against him causing harm to the plaintiff and as a result, the plaintiff is entitle to the relief that he seeks by and through this complaint now before this court.

**11. Civil Conspiracy;** This set of defendants have confederated themselves with the bank defendants identified within a separate ongoing lawsuit between this plaintiff and Bank of America, N.A. within this court. *See Thomas v. Bank of America, N.A. et al, case no. 1:21-cv-03369-WMR.* The actions of these two defendants meet and exceed the necessary prerequisites to qualify as a civil conspiracy; 1..There was an agreement between two or more persons to commit a torturous or unlawful act by unlawful means...and 2...That overt act caused harm to the complaining party, in this case, to this plaintiff. As a result, this plaintiff is entitle to the relief that he seeks for the claims made against this set of defendants.

### **RELIEF**

**12.** The plaintiff seeks relief from each of these defendants separately and jointly in the form of monetary, statutory, compensatory and punitive damage award relief from each defendant for the acts and claims set forth



within this complaint. The illegal acts of the defendants described within this complaint are clear and convincing evidence that each defendant must be punished in the most severe manner that the court and a jury can offer given the gravity and boldness displayed by these defendants as they have a complete and total disregard for the ongoing legal authority of this court and a complete disregard for the law.

13. The plaintiff seeks a monetary damage award from each defendant separately in an amount not less than \$1,000,000.00 from each defendant per claim.

14. Additionally, the plaintiff seeks preliminary, temporary and permanent injunctive relief in the form of an order from the court enjoining each of the defendant from any present or future attempts at establishing a financial interest within the plaintiff's residential property referenced within this lawsuit for the reasons, facts and evidence supporting this civil complaint before this court.

15. Additionally, the plaintiff seeks an order from this court certifying this complaint to be classified as a RICO lawsuit commanding treble damages from each defendant.

16. Additionally, the plaintiff seeks an order from the court

commanding the FBI to investigate these defendants actions for all of their purported assignment rights claimed within the written documents that they mailed to the plaintiff demanding money from the plaintiff.

17. Additionally, the plaintiff seeks an order from the court in the form of sanctions, punitive damage(s) and civil statutory damages levied against the defendants given the gravity of the actions of these defendants as described within this lawsuit.

### **JURY DEMAND**

18. The plaintiff demands a trial by jury for all issues of law and fact raised within this complaint before the court pursuant to the rules of the court and the United States constitution.

### **CONCLUSION**

WHEREFORE the plaintiff have presented facts and evidence before this court stating to a certainty that these defendants have in fact committed fraudulent acts against this plaintiff and as a result, the plaintiff is entitle to the relief he seeks as stated before the court within this lawsuit.

The plaintiff have no other avenue(s) or options within the law available to him other than to pursue and demand the relief described herein from this set of defendants.

This set of defendants' actions are dilatory, recalcitrant and offend against all legal standards of known and established laws within a civilized society and must be addressed.

For these reasons, the plaintiff respectfully submit this complaint before the court seeking the relief stated herein as a matter of right and law.

Respectfully submitted on this 24<sup>th</sup> day of January, 2022.

A handwritten signature in dark ink, appearing to read 'Keith Thomas', is written over the typed name.

Keith Thomas, plaintiff  
P.O. Box 960242  
Riverdale, GA 30296  
404-838-0394